

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
Case No.: 9:23-cv-81150-RLR**

ANDREW TATE & TRISTAN TATE,

Plaintiffs

vs.

EMMA GABBEY, et al.,

Defendants.

**DEFENDANTS MOTION TO EXTEND TIME TO FILE THEIR
ANSWER OR PRESENTATION OF DEFENSES OR OBJECTIONS**

Pursuant to Rules 6(b) and 81 of the Rules, and Rule 7.1(a)(3) of the Local Rules, Defendants, through their counsel hereby move for an extension of time to file their Answer or presentation of defenses or objections. In support of this request, Defendants state:

1. Defendants filed their Notice of Removal on August 14, 2023. DE 1.
2. On August 17, 2023, this Court issued its Order to Show Cause Why Case Should Not Be Remanded to State Court (“OSC”). In its OSC, this Court gave the Defendants until August 25, 2023 to show cause “whether and how complete diversity is met in this case and, if Defendants cannot establish that complete diversity is met by a preponderance of the evidence, why Defendants may be entitled to an evidentiary hearing on this matter.” DE 6.
3. Pursuant to this Court’s direction, Counsel for Defendants are preparing a response that addresses the issues identified in the Court’s OSC.
4. Under Rule 81(c)(2)(C), Defendants Answer or Defenses are currently due on August 21, 2023.

5. This action raises acts that occurred both overseas and in the United States.

6. There are multiple parties in this action, including five co-defendants, who's citizenship status may be relevant to the Court's determination.

7. The purpose of this Extension of Time to file their Answer/Defenses, is to allow Counsel to prepare a response to the Court's OSC that will assist to the Court to determine whether this matter is appropriate for the exercise of subject matter jurisdiction, including which factors the Court should take into consideration when making that decision under the law, and to file that response by the time indicated by the Court.

8. It is in the best interests of judicial economy to settle whether the initial legal requisites for this Court's jurisdiction are met before proceeding with the contentions of the parties on the merits.

9. This is Defendants' first request for an extension of time to file a document in this matter.

10. Pursuant to Local Rule 7.1, Counsel for Defendants contacted Counsel for Plaintiffs in writing to determine their position on this Motion for Extension of Time. Counsel for Plaintiffs indicated that they oppose this Motion.

Now, therefore, Defendants respectfully request that the time to file their Answer, Defenses, or Objections be extended to on or before 30 days from the date this Court rules on whether it is appropriate to take subject-matter jurisdiction over this matter.

Pursuant to Rule 7.1, Counsel for the Defendants certifies that they have conferred with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve the issues raised in the motion and have been unable to do so.

Dated: August 21, 2023

Respectfully Submitted,

By: /s/ Danielle Bianculli Pinter

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Attorneys for Defendants

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Certificate of Service

I hereby certify that on August 21, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being

served this day on all counsel of record identified on the below Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Danielle Bianculli Pinter
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